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10/551,743	09/11/2006	Minoru Mamiya	1625-202	4273
86902	7590	07/02/2010	EXAMINER	
J. Rodman Steele Novak Druce & Quigg LLP 525 Okeechobee Blvd Suite 1500 West Palm Beach, FL 33401			MCCLAIN-COLEMAN, TYNESHA L.	
			ART UNIT	PAPER NUMBER
			1784	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/551,743

**Applicant(s)**

MAMIYA, MINORU

**Examiner**

TYNESHA MCCLAIN-COLEMAN

**Art Unit**

1784

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/100)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date 20050930 and 20051219

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the cooking oil 2 and the film 7 are noted in pages 4-6 of the specification for the first embodiment of the claimed invention (Figure 1). However, the cooking oil 2 and the film 7 are not included in Figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by *Chiu* (US 5,155,319). *Chiu* teaches a film applied to a utensil. The method of forming the

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film includes applying oil onto the surface of the base and bringing the oil into contact with a flame (see column 1, lines 25-40 and column 3, lines 1-15). It is noted that the phrase "peeling property relative to a base" does not delimit any measure of relativity. The material of *Chiu* inherently has peeling properties. Therefore the coating of *Chiu* is considered to have a peeling property that is relative to a base given that there is no limitation to the relativity between the film and the base as written in the claim. Additionally, as the material of *Chiu* is formed in a similar manner as that of applicant (oil formed on a surface that subsequently burned with a flame), the film of *Chiu* is expected to be capable of being peeled from the base surface.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Truesdell* US 2559481 (hereinafter "*Truesdell*") in view of *Chiu* US 5155319 (hereinafter "*Chiu*").

6. With respect to claims 1-2, 5-7, and 10, *Truesdell* discloses applying a greasy coating to the surface of pans, trays, and utensils (column 3, lines 40-42). The greasy coating contains oil such as either mineral oil, vegetable oil, or a mixture of both (cooking oil, claims 2 and 7) (column 2, lines 1-3). The coating may be applied either cold or at room temperature or it may be heated (column 3, lines 42-44). When applied, the coating forms an oleaginous film on the surface of the pans, trays, or utensils (column 3, lines 48-49).

7. However, *Truesdell* does not disclose bringing the oil applied onto the surface of the pans, trays, and utensils into contact with a flame.

8. *Chiu* discloses coating a film onto utensils (column 1, lines 9-12). The film comprises oil, and the coating may be burned onto the utensil with a flame (column 1, lines 29-31, 35-58, and 41-51; and column 3, lines 6-11). Burning the coating protects the base material from generating static electricity and sparks, and thus can be used in microwaves or electromagnetic wave ovens (see column 1, lines 25-40 and column 3, lines 1-15).

9. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the flame disclosed by *Chiu* into the method of coating a film onto the surface of pans, trays, and utensils as disclosed by *Truesdell*.

10. One having ordinary skill in the art would have been motivated to do this because *Truesdell* teaches the coating may be applied either cold or at room Temperature or it may be heated (column 3, lines 42-45). Based upon the fact that *Truesdell* and *Chiu* similarly teach coating utensils with a film comprising oil and heating the coating, it would have been obvious, given the teachings of *Chiu*, to incorporate the flame into the method of coating a film as disclosed by *Truesdell* with the expectation of successfully coating the surfaces of pans, trays, and utensils with the film and protect the surfaces from generating static electricity and sparks.

11. *Truesdell* in view of *Chiu* also does not disclose the film has a peeling property relative to a base (pans, trays, and utensils), and the film is in a gelatinized state (claims 5 and 10). It is noted that the phrase "peeling property relative to a base" does not delimit any measure of relativity. The materials of *Truesdell* and *Chiu* inherently have peeling properties. Therefore the coating of *Truesdell* as modified by *Chiu* is considered to have a peeling property that is relative to a base given that there is no limitation to the relativity between the film and the base as written in the claim. Additionally, as the material of *Truesdell* and *Chiu* is formed in a similar manner as that of applicant (oil formed on a surface that subsequently burned with a flame), the film of *Truesdell* as modified by *Chiu* is expected to be capable of being peeled from the base surface.

12. Additionally, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to optimize the film disclosed by *Truesdell* in view of

*Chiu* to be in a gelatinous state as well as to have a peeling property relative to a base (pans, trays, and utensils).

13. One having ordinary skill in the art would have been motivated to do this because *Truesdell* discloses the film clings to the walls of the pans, trays, or utensils without running (column 4, lines 1-3). Also, the state of the film is contingent upon the amount of heat applied to the oil. Further, given that *Chiu* discloses contacting the surface of a film comprising oil with a flame, which is identical to the method claimed by the applicant, it is clear that the method of *Truesdell* in view of *Chiu* would intrinsically result in a gelatinized film that has a peeling property relative to a base (pans, trays, and utensils).

14. Regarding claims 3-4 and 8-9, *Truesdell* discloses various vegetable oils such as cotton seed oil, olive oil, soybean oil, and the like may be used (column 2, lines 25-27). It is well known in the art that these oils comprise fats as well as linoleic and/or linolenic acid (unsaturated fatty acids).

### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TYNESHA MCCLAIN-COLEMAN whose telephone number is (571)270-1153. The examiner can normally be reached on Monday - Thursday 7:30AM - 5:00PM Eastern Time.

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16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on (571)272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TYNESA L MCCLAIN-COLEMAN/  
Examiner, Art Unit 1784

/Jennifer C. McNeil/

Supervisory Patent Examiner, Art Unit 1784